IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Second Appeal no.1534 of 2005
with
Civil Application No.296 of 2006

1. Smt.Aamavva Daryappa Adalhatti
and ors. ..Appellants

vs.

Smt.Bhagawwa Nagappa Magdum
since deceased by legal heir
Bhourawwa Mallapp[a Balekai ..Respondents

Shri Tejpal Ingale for the appellants.
Shri Manoj Ghatage i/b Shri S.D.Dharmadhikari for respondents.

CORAM: S.C.DHARMADHIKARI J.
1st August, 2007

P.C.

1. Heard Shri Ingale appearing for the appellants and Shri Ghatage appearing for the respondents. Perused the concurrent judgments rendered against the appellants in a suit which was filed by the original plaintiffs for possession on the basis of the title so also for perpetual injunction.

2. The courts below consistent with the oral and documentary evidence held that the respondent/original plaintiff has established her title to the suit land. The title is established on the basis of the sale deed. Even the documentary evidence on record shows the possession of

the original plaintiff.

3. As against the sale deed which dates back to the year 1953 all that the appellants could produce before the Courts below was mutation entry. As it is well established that they do not evidence any title in the property, hence, the conclusion drawn that the sale deed would take precedence over such entries cannot be said to be vitiated in any manner. This Court cannot reappreciate and reappraise the materials once again.

4. There is no substantial question of law raised in this appeal. Appeal is accordingly dismissed. In the light of dismissal of the second appeal, civil application would not survive and it is disposed of accordingly. Ad-interim order, if any, stands vacated. No order as to costs.

(S.C.DHARMADHIKARI J.)